

**FAMILY  
CONSUMER LAW  
CASE ACCEPTANCE GUIDELINES  
2011**

**I. Threshold Eligibility Issues For Opening an Advice and Counsel Case**

- a. Caller or caller's child/ren is/are domestic violence survivor/s
- b. Caller meets all eligibility criteria (including analysis of lack of control over resources for DV exception)

**II. Compelling Factors to consider in determining if advice and counsel client may be scheduled**

On a case-by-case basis, the advocate will weigh the following compelling factors and use his/her best judgment to determine if the client should be scheduled. The client need not have all factors, but may have a combination of one or more factors.

- a. Limited English proficiency client who will not be able to avail him/herself of the court system because of limited English
- b. Client has child/ren
- c. Client has obtained a restraining order after hearing or there are other indications that client is unlikely to reconcile with abuser
- d. Abuser is directly responsible for client's consumer law issues
- e. Client is in school
- f. Resolution of consumer law issue requires negotiation or advocacy, rather than litigation, or there is no available statutory attorney's fees provision
- g. Client has a low-recovery consumer law case unlikely to be accepted on contingency by a private attorney
- h. Recovery for consumer law case is unlikely to meet the amount in controversy threshold for limited civil court jurisdiction (small claims court case)

**III. Other issues to consider prior to scheduling**

These issues are not part of the "compelling factors" analysis. These issues may none the less make a compelling case, more or less schedulable.

- a. Veracity of client
- b. Merits of case
- c. Overly litigious client – multiplicity of motions
- d. Prior counsel
- e. Any sanctions against client
- f. Insufficient time to assist
- g. Representation may significantly impact clients case with minimal efforts by advocate
- h. Client's expectations – relief sought is or is not appropriate and reasonable under circumstances
- i. Client's ability to prioritize consumer law issues and assist with case

<b>SERVICE</b>	<b>Oakland</b>	<b>San Francisco</b>	<b>San Mateo</b>	<b>Santa Clara</b>	<b>Contra Costa</b>	<b>Marin</b>	<b>Napa</b>
<b>Place credit report freeze with consumer reporting agencies following identity theft</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Dispute ChexSystems/credit report/investigative report inaccuracies</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate ChexSystems/credit report/investigative report inaccuracies</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Defend debt collection lawsuits</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Negotiate debt repayment</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Negotiate release of tax collection levies</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Issue cease and desist and <i>Czap</i> letters against aggressive debt collectors</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate violations of the Federal Debt Collection Practices Act</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Assist self-represented litigants in consumer law small claims court cases</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Provide foreclosure mitigation assistance (loan modification document preparation)</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Represent clients in Chapter 7 bankruptcy filings</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Represent clients in Chapter 13 bankruptcy filings</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Affirmatively litigate cases against predatory cash lenders (payday lenders)</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Negotiate utility shut off and turn on issues (outstanding bills/deposit requirements)</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate unconscionable consumer contracts</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate consumer contracts written in English if negotiated in a foreign language</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Litigate unfair business</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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<b>practices in consumer contracts</b>							
<b>Set aside and negotiate dismissal of unlawful detainer judgments for judgment-proof clients</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Expunge criminal records</b>	No	No	No	No	No	No	No